



# California Fair Political Practices Commission

January 25, 1990

Lance H. Olson  
Olson, Connelly, Hagel and Fong  
300 Capitol Mall  
Suite 350  
Sacramento, CA 95814

Re: Your Request for Informal Assistance  
Our File No. I-89-607

Dear Mr. Olson:

This is in response to your request for informal assistance on behalf of Assemblywoman Delaine Eastin regarding her responsibilities under the new provisions of the Political Reform Act (the "Act")<sup>1</sup> regarding personal use of campaign funds, which became effective on January 1, 1990. Since your request is general, we are treating it as one for informal assistance pursuant to Regulation 18329(c), (copy enclosed).<sup>2</sup>

## QUESTION

Can Assemblywoman Eastin use her campaign funds to reimburse her staff for travel expenses between the district office and the state capitol when on state government business?

## CONCLUSION

Campaign funds may be used to reimburse for travel expenses when the expenses are directly related to a political, legislative or governmental purpose. Therefore, Assemblywoman Eastin may use her campaign funds to reimburse her staff for travel on state government business.

<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

### FACTS

Recently, the Assembly Rules Committee placed restrictions on the number of trips that staff members may make between the district office and the state capitol at state expense. Assemblymember Delaine Eastin wishes to use her campaign funds to reimburse her staff on those occasions when they travel between the district office and the state capitol on state business, when the state does not pay for the travel.

### ANALYSIS

SB 1431 (Roberti) was adopted by the Legislature and signed into law by the Governor during the 1989 legislative year. (Statutes of 1989, Chapter 1452.) The provisions of that bill went into effect on January 1, 1990, and give the Fair Political Practices Commission jurisdiction over questions regarding the lawful use of campaign funds.

Section 85802(a) provides:

Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or employees or staff of the campaign committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(Emphasis added.)

Assemblywoman Eastin may, therefore, reimburse her Assembly staff for travel expenses from her campaign funds, so long as the travel for which they are being reimbursed is directly related to a political, legislative, or governmental purpose. Your facts specify that her staff would be traveling between the district office and the capitol office on state business. We will infer from your facts that "state business" means business of the State of California. Under Section 85802(a), when the staff is traveling for the purpose of conducting state government business, Assemblywoman Eastin may reimburse them for such travel from her campaign funds.<sup>3</sup>


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<sup>3</sup> The Commission will be considering regulations clarifying some of the terms used in the new personal use law in the near future. In anticipation of the development of these regulations we will be asking interested persons to participate in working sessions to discuss concerns regarding clarity in the law. We will be happy to put you on our mailing list to ensure that you'll be notified of these sessions.

I trust this analysis responds adequately to your request for assistance. If you have any other questions, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Lilly Spitz  
Counsel, Legal Division

KED:LS:ld

Law Offices of  
OLSON, CONNELLY, HAGEL & FONG

FPPC

October 19, 1989

OCT 20 5 31 AM '89

Kathryn Donovan  
FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 800  
Sacramento, CA 95814

**RE: Delaine Eastin**

Dear Ms. Donovan:

This office represents Assemblymember Delaine Eastin. We are seeking advice regarding the campaign provisions of the Political Reform Act.

Specifically, Assemblymember Eastin maintains a recipient political committee established for purposes of supporting her re-election to the State Assembly in 1990. Pursuant to FPPC regulations, she also uses the election account to pay for various office-holder expenses that she incurs.


Recently the State Assembly Rules Committee placed restrictions on the number of trips that staff members may make between the district office and the state capitol at state expense. Assemblymember Eastin wishes to use her campaign funds in her election committee to reimburse her staff on those occasions when they travel between the district office and the state capitol on state business and when the state of California does not pay for the reimbursement. The reimbursement would be based on a per cent per mile rate.

Does the use of her campaign funds for such purposes comply with applicable provisions of the Political Reform Act and the Elections Code over which the FPPC has or will have jurisdiction.

Thank you for your consideration of this matter.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

  
LANCE H. OLSON

LHO/jph  
cc: Delaine Eastin

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature



# California Fair Political Practices Commission

October 26, 1989

Lance H. Olson  
Olson, Connelly, Hagel & Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Letter No. 89-607

Dear Mr. Olson:

Your letter requesting advice under the Political Reform Act was received on October 20, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, reading "Kathryn E. Donovan", is written above the typed name.

Kathryn E. Donovan  
General Counsel

KED:plh

Law Offices of  
OLSON, CONNELLY, HAGEL & FONG

FPPC

October 19, 1989

OCT 20 5 31 AM '89

Kathryn Donovan  
FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 800  
Sacramento, CA 95814

RE: Delaine Eastin

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Specifically, Assemblymember Eastin maintains a recipient political committee established for purposes of supporting her re-election to the State Assembly in 1990. Pursuant to FPPC regulations, she also uses the election account to pay for various office-holder expenses that she incurs.

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

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Thank you for your consideration of this matter.

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

LANCE H. OLSON

LHO/jph  
cc: Delaine Eastin

300 Capitol Mall, Suite 350  
Sacramento, California 95814  
TELEPHONE: (916) 442-2952  
FAX: (916) 442-1280



# California Fair Political Practices Commission

May 15, 1990

Lance Olson  
Olson, Connelly, Hagel,  
Fong & Leidigh  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Informal Assistance Letter  
Our File No. I-89-607

Dear Mr. Olson:

On January 25, 1990, we provided informal assistance in response to your request for formal written advice on behalf of Assemblymember Delaine Eastin. You have requested an explanation of why we determined that your request was appropriately treated as a request for informal assistance, pursuant to Regulation 18329(c), rather than the formal written advice you requested.

As we noted in our reply letter, your letter did not contain sufficient facts for us to provide formal written advice. Specifically, you asked whether campaign funds could be used to pay costs incurred by legislative employees while traveling "on state business." Your letter provided no example of the nature of "state business" travel contemplated. The determination of whether the travel in question was, in fact, travel on "state business" was a crucial factor in our response that expenditure of campaign funds would be permissible. Without specific information to verify that "state business" travel was in fact involved, we could not provide formal written advice.

You have also inquired why you were not promptly notified that you had not provided all material facts necessary for us to provide formal written advice. (See Regulation 18329(b).) We note again that, in reply to your request, we did explain that we had insufficient information concerning the nature of the travel in question to verify that it was "state business." The question that you posed in your letter concerns a new area of responsibility for the Commission, and one that is both highly fact dependent and sensitive. Thus, we feel compelled to respond especially cautiously to questions in this subject area.

I hope this letter has helped to clarify why we responded to your question with informal assistance. If you wish to obtain formal written advice on this matter, please supply a specific description of the nature of the "state business" travel contemplated.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh



OLSON, CONNELLY, HAGEL, FONG & LEIDIGH

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K."

February 16, 1990

Ms. Kathy Donovan, General Counsel  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

**RE: FPPC File No. I-89-607**

Dear Ms. Donovan:

I am in receipt of the above-referenced correspondence in response to my request for advice on behalf of Assemblymember Delaine Eastin. While I have no dispute with the results of that letter, I am confused as to the designation of this response as informal assistance.

As you are aware, Government Code §83114(b) provides in part:

"any person may request the commission to provide written advice with respect to the person's duties under this title."

LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE M. WATERS

In addition, I have reviewed FPPC Regulation 18329. Section 18329(b)(2) (A) and (B) require that the request identify the requestor and provide all of the material facts to the consideration of the questions presented. I believe I did just that.

I further note that the Regulation provides if the requirements of (b)(2)(A) and (B) are not met I am to be advised promptly in writing from the Commission that I have not met the requirements for formal written advice. To my knowledge no such notice was ever received.

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature


Ms. Kathy Donovan Letter  
February 16, 1990  
Page Two

I would appreciate your review of this matter and if warranted changing the advice we received from informal assistance to formal written advice.

Thank you for your attention in this matter.

Very truly yours,

OLSON, CONNELLY, HAGEL, FONG & LEIDIGH



LANCE H. OLSON

LHO:kh